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UPDATED REGULATIONS DEFINE ELIGIBILITY FOR STANDARD MAIL RATES

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In June of this year the U.S. Postal Service updated the regulations defining the material that is eligible to be mailed at standard mail rates. This update focused largely on the use of personal information in mailings, reflecting the growth in personalization technology since these regulations were last updated more than 20 years ago.

The new regulations aim to better define when personal information can be used as part of a standard mail mailpiece.

Postal regulations have always identified material that must be mailed at first-class rates (for example, bills and statements of account). Mail having the “character of actual and personal correspondence” has been included in this group.

The new regulations aim to better define when personal information can be used as part of a standard mail mailpiece, and when that information requires the mailpiece to be mailed at first-class rates. [The Postal Service has said that for mail classification purposes, the name and address, mailpiece date or an account (or other identification) number will not generally be considered personal information.] In order to be eligible for standard mail rates, the use of personal information must conform to the following three-point test:

- The mailpiece contains explicit advertising for a product or service for sale or lease, or an explicit solicitation for a donation.
- All of the personal information is directly related to the advertising or solicitation.

- The exclusive reason for inclusion of all of the personal information is to support the advertising or solicitation in the mailpiece.

Keep in mind that the postal service has the right to examine the content of your mailpiece to determine whether it qualifies for the rate claimed. As you can see, the determination of whether a mailpiece is eligible for standard mail rates is based on both what *personal* information is included and *the* context in which it is used.

What can a mailer do to avoid running afoul of the new regulations?

The Postal Service has issued a number of Customer Support Rulings (CSR) that offer more detailed guidance regarding how it will interpret the new Standard Mail eligibility rules. These rulings are available on the Web at <http://pe.usps.com/text/CSR/csrtoc.asp>. These CSRs are great sources of information when you are designing a new mailpiece.

In CSR #PS-321 the Postal Service said that annual summary mailings by credit card issuers do NOT qualify as standard mail because the personal information does not have a direct relationship to the advertising and the personal information has purposes other than supporting the advertising.

In a revision to CSR #PS-275, the Postal Service offers guidance regarding frequent-flyer statements and other loyalty (“points”) programs. In this ruling the Postal Service stresses that the determination of whether the personalization used in such a mailing meets the three-point test for eligibility must be made on a case-by-case basis. For the test piece highlighted in this ruling it is determined that the frequent flyer statement DOES qualify as standard mail because:

- The personal information is related directly to the advertising. In this case, the piece states how double miles and additional points may be earned to attain those miles toward redemption for tickets.
- The personal information does not serve purposes other than supporting the advertising.

The Postal Service goes on to cite examples of language that it feels indicate the presence of other purposes for the personal information:



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- language indicating the information “should be kept for the member’s records” or can be used for “business planning” or “tax” purposes;
- directions to “verify” or “check” the information;
- labels such as “shares.”

Another source of guidance is the Postal Service’s Pricing Classification Service Center (PCSC). Mailers can submit pieces for pre-production review with the National Customer Rulings office of the PCSC. Submissions can be sent either electronically or as hard copy. This process is especially helpful if you will be mailing from multiple locations. A ruling from the PCSC applies throughout the postal system. To begin the process contact Greg Hall, the manager of national customer rulings at *gregory.a.hall@usps.gov*. Mailers should provide information about the type of mailings, typical volumes, locations where mail is entered, how and where mail is produced and any current USPS contacts, such as your national account manager.

If you are mailing from a single location, you can also submit your mailing to your local mailing standards specialist for a pre-production review. These specialists are very knowledgeable about many different types of postal regulations,

although their rulings can be challenged by postal officials in other parts of the country. On the other hand, a ruling from the PCSC applies anywhere in the country.

Don’t forget to ask your mailing services provider for support. Your vendor works closely with the Postal Service on a day-to-day basis and can help guide you through the maze of sometimes confusing regulations.

If you are in doubt about whether your mail-piece is eligible for Standard Mail be sure to work with your mailing services vendor, check out the CSRs for design guidance and get a preproduction review from the PCSC or your local specialist. Taking proactive steps to comply with these new regulations can help you avoid a nasty surprise when it is time to present your mail for acceptance. ■

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